

DECLARATION OF COUNSEL

I, David Z. Chesnoff, do hereby declare that the following statements are true and correct:

I am co-counsel of record for Defendant Alexander Smirnov in this case.

1. Undersigned in conjunction with co-counsel Schonfeld conferred with counsel for the government regarding this *Ex Parte* Motion and the government has advised “The government does not believe the J&C is unclear. However, the government does not oppose amending the J&C to include the language used by the court during the oral pronouncement of the sentence.”

2. For the reasons explained in the underlying *Ex Parte* Motion, Defendant seeks to Amend the Judgment of Conviction.

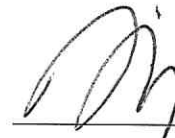
3. Co-Counsel Richard Schonfeld has notified counsel for the government via email of the filing of this *Ex Parte* Motion. Specifically, the following counsel for the government were being notified by email of this Motion:

Derek Edward Hines
US Department of Justice
Office of Special Counsel David C. Weiss
950 Pennsylvania Avenue NW Room B-200
Washington, DC 20530
771-217-6091
Email: deh@usdoj.gov

1 Leo J. Wise
2 US Department of Justice
3 Office of Special Counsel David C. Weiss
4 950 Pennsylvania Avenue, NW, Room B-200
5 Washington, DC 20530
6 771-217-6091
7 Email: Leo.Wise@usdoj.gov

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed on this 13th day of January, 2024.

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13 DAVID Z. CHESNOFF
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